IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.385 OF 2005

Ashok K. Katke. .. .. Petitioner
v/s.
The State of Maharashtra & anr. .. Respondents

Mr.Mahesh B. Pahane for petitioner.
Mr.S.M.Dixit for res.No.1.
Ms.Rekha Panchal for res.Nos.2 & 3.

CORAM : H.L. GOKHALE &
ABHAY S. OKA, JJ.

DATED : 13th January 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. The grievance of the petitioner principally is that he has not been given the report after a departmental enquiry was conducted against him. Ms.Panchal appearing for respondent Nos.2 and 3 has taken instructions from respondent No.2 and states that the report has been made available in the meanwhile. Now, the only question is with respect to further hearing to be given to the petitioner inasmuch as a notice has been given to the petitioner to enhance the punishment from what was proposed by the Enquiring Officer.

3. In the circumstances, we issue Rule on the

Petition. Rule is made returnable forthwith. We have perused the reply filed on behalf of the respondents. The order of termination dated 29th December 2004 is required to be set aside on the ground that the petitioner did not get an opportunity to make his representation against the enhancement of the punishment. Accordingly, Rule is made absolute and this order of termination is set aside. The petitioner was suspended during the pendency of this enquiry. He shall continue to remain suspended. He may make his representation on this report within four weeks and on receiving the representation, the respondents will decide it after affording a hearing to the petitioner within four weeks thereafter.

4. Rule is made absolute as above.

(H.L. GOKHALE, J.)

(ABHAY S. OKA, J.)